

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	§	Atty. Docket: DIGI.0001
Daniel A. King	§	
	§	
Serial No.: 10/005,795	§	Examiner: PORTER, RACHEL L.
	§	
Filed November 8, 2001	§	CONFIRMATION NO.: 1407
	§	
Title: CLAIMING SYSTEM AND	§	Group Art Unit: 3626
METHOD	§	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Board of Patent Appeals and Interferences
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Appellant received a Notification of Non-Compliant Appeal Brief. The Notification stated that the brief did not contain a statement of the status of all the claims in accordance with 37 CFR 41.37(c)(iii). The Notification further stated that an entire brief was not required but instead just the defective section may be submitted. The original Brief included a STATUS OF CLAIMS section on the first page which listed the status of claims 1-18, 27-35 and 44-45 as pending and involved in this appeal. The section failed, however, to list the status of previously withdrawn claims 19-26 and 36-43.

Appellant submits herewith a replacement page - 1 - which includes a corrected STATUS OF CLAIMS section which includes the status of claims 19-26 and 36-43 as being withdrawn and not involved in the appeal.

Respectfully submitted,

Date: October 28, 2009

By: /Gary Stanford/
Gary R. Stanford
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Customer Number 23669

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APPELLANT'S APPEAL BRIEF

Board of Patent Appeals and Interferences
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Appellant respectfully requests the Board of Patent Appeals and Interferences to reverse the final rejection of claims 1-18, 27-29, 30-35 and 44 under 35 U.S.C. §103(a), and to reverse the final rejection of claim 45 under 35 U.S.C. §102(e). The present invention as recited in these claims is not obvious in view of the prior art relied upon by the Examiner.

REAL PARTY IN INTEREST

The real party in interest is Daniel A. King.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1-18, 27-35 and 44-45 are currently pending and are involved in this appeal.
Claims 19-26 and 36-43 are withdrawn and are not involved in this appeal.